IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION

CIVIL NO. 3:04-CV-130-W

MERCHANTS BONDING)	
COMPANY,)	
)	
Plaintiff,)	
)	
VS.)	
)	ORDER
SANDMARC CONSTRUCTION,)	
INC., SANDRA PARAMORE, and)	
MARC PARAMORE,)	
)	
Defendants.)	
)	

THIS MATTER came this day before the undersigned United States District Judge for status conference and hearing on plaintiff's motion for summary judgment. The week prior to the scheduled hearing, counsel Robert B. Newkirk moved to withdraw as attorney of record for defendants. With the understanding that allowance of the motion would leave the corporate defendant unrepresented and potentially subject it to a default, the Court directed counsel's attendance at the hearing. Prior to rendering its decision, the Court considered both the written brief earlier filed by Mr. Newkirk during the course of his representation, as well as the documentary submissions and oral arguments of the Paramores, who were also present at the hearing and who elected to proceed *pro se*.

For the reasons stated on the record in open court, plaintiff's motion for summary judgment (Doc. No. 26) is GRANTED, defense counsel's motion to withdraw (Doc. No. 40) is ALLOWED, and all other pending motions are DENIED AS MOOT.

The Clerk is now DIRECTED to enter judgment in favor of plaintiff and against the

defendants, jointly and severally, in the principal amount of Five Hundred Seventeen Thousand Five

Hundred Ninety-Six Dollars and Sixty Cents (\$517,596.60); plus pre-judgment interest at the legal

rate of eight percent (8%) per annum pursuant to N.C. Gen. Stat. §§ 24-1 and 24-5, accruing from

the date of breach, February 27, 2004, until the date of judgment; post-judgment interest at the

statutory rate accruing from the date of judgment until the judgment is satisfied; and reasonable

attorney's fees and expenses in the amount of Twenty-One Thousand Six Hundred Eighty-One

Dollars and Eighty-One Cents (\$21,681.81).

IT IS SO ORDERED.

Signed: September 26, 2006

Frank D. Whitney

United States District Judge

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